

Appl. No. 10/813,877
Amdt. dated September 26, 2007
Reply to Office Action of March 30, 2007 and the Advisory
Action mailed August 3, 2007

PATENT

REMARKS

Claims 20-22, 24, 25, 28-31, 36-40, 42 and 43 are pending. No claims have been amended. Claims 1-19, 23, 32-35 and 41 have been previously canceled. Claims 26 and 27 have been previously withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 20, 21, 24, 25, 31, 36, 40, 42, and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 20020042953 A1 to Matthews Brown (hereinafter "Matthews Brown") in view of U.S. Patent No. 6,553,590 to Leach (hereinafter "Leach").

In response to this rejection, Applicants submit a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome Leach. The submitted declaration illustrates that the present application had been reduced to practice in the United States at least prior to April 29, 2003, the publication date of Leach. Applicant submits that the declaration pursuant to 37 C.F.R. § 1.131 removes this rejection under 35 U.S.C. §103.

Applicants emphasize that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as an acquiescence to any of the reasons for rejection set forth in the final Office Action mailed March 30, 2007.

It should be noted that Applicants have included a petition under 37 C.F.R. § 1.47(a) and a declaration under 37 C.F.R. § 1.48, which were previously submitted on September 13, 2004 regarding inventor Mike Pogue's refusal to join in the application. Accordingly, Mike Pogue's signature block on the presently submitted 37 C.F.R. § 1.131 declaration has been left blank.

Thus, because Leach is not prior art, the rejection of claims 20, 21, 24, 25, 31, 36, 40, 42, and 43 in view of Mathews Brown and Leach is rendered moot. Accordingly, for at least this reason, Applicants respectfully request the withdrawal of rejection of claims 20, 21, 24, 25, 31, 36, 40, 42, and 43.

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Claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews Brown in view of Leach and further in view of U.S. Patent No. 2,848,040 to Chernivsky (hereinafter "Chernivsky"). Further, claims 28-30 and 37-39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews Brown in view of Leach and further in view of U.S. Patent No. 5,546,620 to Matthews (hereinafter "Mathews").

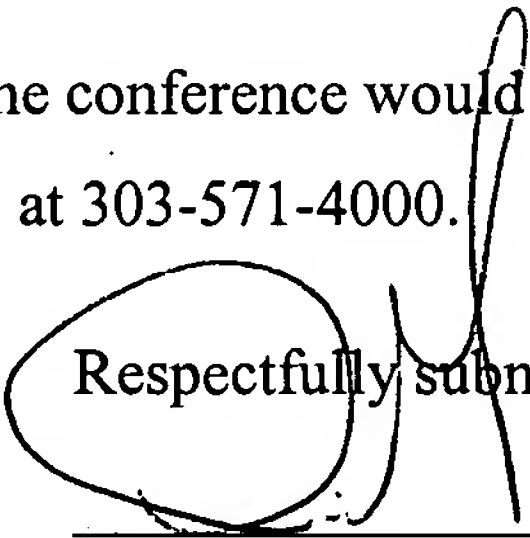
Claims 22, 28-30 and 37-39 depend from independent claims 20 and 36 and thus include all the limitations of their base claim. Accordingly, for the reasons stated above, Applicants respectfully request the withdrawal of rejection of claims 22, 28-30 and 37-39.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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